

**Amendments to the Claims**

This listing of claims will replace all prior versions and listings of claims in the application.

Claims 1-25. (Cancelled)

26. (Currently Amended) A radio frequency data communication system for transmission of data collected by a multiplicity of mobile transceiver units, to a base transceiver, the mobile transceiver units and the base transceiver supporting spread spectrum communications, comprising:

a base transceiver selectively operable at a limited data rate and at an increased data rate;  
the multiplicity of mobile transceiver units selectively operable at the limited data rate and at the increased data rate;

said mobile transceiver units responsive to transmissions by said base transceiver, and having control means therein to evaluate the feasibility of responding at said increased data rate;

said base transceiver effecting a communication link with one or more of said mobile transceiver units;

said mobile transceiver units for which a communication link with said base transceiver has not been established receiving the transmissions of said base transceiver to said mobile transceiver units with which a communication link has been established;

said mobile transceiver units evaluating for consistent reception of said transmissions to said one or more transceiver units;

said mobile units which consistently receive transmissions at the increased data rate responding to the base transceiver at said increased data rate when said base transceiver directs communication to said mobile unit.

27. (Original) The system of claim 26 wherein said mobile transceiver units independently evaluate transmissions from the base transceiver to said one or more mobile transceiver units having a communications link with said base transceiver.

28. (Original) The system of claim 26 wherein each mobile transceiver unit remains to receive data while no communication link is established between said mobile transceiver unit and the base transceiver.

29. (Original) The system of claim 26 wherein the base transceiver transmits packets of data to said one or more mobile transceiver units having a communication link with the base transceiver, each mobile transceiver unit with which a communication link has not been established:

attempting to receive packets of data transmitted by the base transceiver to said one or more units having a communication link with the base transceiver;

each mobile transceiver unit with which a communication link has not been established;

evaluating receipt of packets of data at the increased data rate and at the limited data rate.

30. (Original) The system of claim 26 wherein said mobile transceiver units which have not established a communication link with said base receiver receiving polling signals transmitted by said base transceiver at the increased data rate:

said mobile transceiver units evaluating for constant reception of said polling signals, to determine the feasibility of successful communication with said base transceiver at the increased data rate.

31. (Previously Presented) The system of claim 26 wherein said mobile transceiver sampling data transmitted to said one or more of said mobile transceiver units at said limited data rate and at said increased data rate.

Claims 32-74. (Cancelled)

75. (Currently Amended) A wireless data communication system that supports spread spectrum communications, comprising:

a base station transceiver capable of communication with a plurality of mobile transceivers via a wireless network, each of the plurality of mobile transceivers employing one of a first data rate and a second data rate for transmission, based upon an evaluation of radio frequency operating conditions of the wireless network, the first data rate being higher than the second data rate; and

the base station transceiver transmitting one or more messages usable by the plurality of mobile transceivers in performing the evaluation of radio frequency operating conditions of the wireless network,

wherein the evaluation of radio frequency operating conditions of the wireless network comprises computing a weighted signal strength measurement, the weighting giving emphasis to lower signal strength measurements of fading signals.

76. (Previously Presented) The system of claim 75 wherein the computing of the weighted signal strength measurement in which the weighting gives emphasis to the lower signal strength measurements of fading signals is part of evaluating a signal strength measurement.

Claim 77. (Cancelled)

78. (Previously Presented) The system of claim 75 wherein the evaluation of radio frequency operating conditions of the wireless network comprises evaluating an error rate.

79. (Previously Presented) The system of claim 78 wherein evaluating an error rate comprises evaluating at least one of a bit error rate (BER), a message error rate, a rate of failure to receive a positive acknowledgement, a rate of failure to receive a response to a transmission, and a timeout of a communications protocol timer.

80. (Previously Presented) The system of claim 75 wherein the one or more messages comprise a polling message.

81. (Previously Presented) The system of claim 75 wherein the one or more messages comprise a test signal.

82. (Previously Presented) The system of claim 75 wherein at least a portion of the one or more messages is transmitted at the first data rate.

83. (Previously Presented) The system of claim 75 wherein at least a portion of the one or more messages is transmitted on a periodic basis.

84. (Previously Presented) The system of claim 75 wherein each of the one or more messages has an associated type, and wherein messages of a predetermined type are always transmitted by the base station transceiver at the second data rate.

85. (Previously Presented) The system of claim 75 wherein the base station transceiver employs one of the first data rate and the second data rate for transmission, based upon an evaluation of operation of the wireless network.

86. (Previously Presented) The system of claim 85 wherein evaluation of operation of the wireless network comprises evaluating an error rate.

87. (Previously Presented) The system of claim 86 wherein evaluating an error rate comprises evaluating at least one of a bit error rate (BER), a message error rate, a rate of failure to receive a positive acknowledgement, a rate of failure to receive a response to a transmission, and a timeout of a communications protocol timer.

88. (Currently Amended) A method of determining a data rate in a wireless communication network that supports spread spectrum communications, comprising:

receiving at least one data message via the wireless communication network;

evaluating wireless communication network operating conditions based upon the received at least one data message, wherein evaluating the wireless communication network operating conditions comprises computing a weighted signal strength measurement, the weighting giving emphasis to lower signal strength measurements of fading signals;

selecting one of a first data rate and a second data rate based upon the evaluation of wireless communication network operating conditions, the second data rate being higher than the first data rate; and

transmitting at least one data message via the wireless communication network using the selected data rate.

89. (Previously Presented) The method of claim 88 wherein the computing of the weighted signal strength measurement in which the weighting gives emphasis to the lower signal strength measurements of fading signals are part of evaluating a signal strength measurement.

Claim 90. (Cancelled)

91. (Previously Presented) The method of claim 88 wherein evaluating wireless communication network operating conditions comprises evaluating an error rate.

92. (Previously Presented) The method of claim 91 wherein evaluating an error rate comprises evaluating at least one of a bit error rate (BER), a message error rate, a rate of failure to receive a positive acknowledgement, a rate of failure to receive a response to a transmission, and a timeout of a communications protocol timer.

93. (Previously Presented) The method of claim 88 wherein the received at least one data message comprises a polling message.

94. (Previously Presented) The method of claim 88 wherein the received at least one data message comprises a test signal.

95. (Previously Presented) The method of claim 88 wherein at least a portion of the received at least one data message is transmitted at the second data rate.

96. (Previously Presented) The method of claim 88 wherein at least a portion of the received at least one data message is always received at the first data rate.

97. (Previously Presented) The method of claim 88 wherein the transmitted at least one data message comprises the selected data rate.

98. (Previously Presented) The method of claim 88 wherein the wireless communication network is a radio frequency communication network.

99. (Currently Amended) One or more circuits in a mobile wireless communication device, the mobile wireless communication device supporting spread spectrum communications, comprising:

receiver circuitry capable of receiving digital information communicated via a radio frequency network;

at least one processor that evaluates operating conditions of the radio frequency network, the evaluating of operating conditions of the radio frequency network comprises computing a weighted signal strength measurement, the weighting giving emphasis to lower signal strength measurements of fading radio frequency signals, the at least one processor selecting one of a first data rate and a second data rate based upon the evaluation, the second data rate being higher than the first data rate; and

transmitter circuitry capable of transmitting digital information at the selected data rate, via the radio frequency network, the transmitter circuitry being operatively coupled to the at least one processor.

100. (Previously Presented) The one or more circuits of claim 99 further comprising signal strength measurement circuitry operatively coupled to the receiver circuitry, the signal strength measurement circuitry producing an indication of signal strength of a received radio frequency signal, the indication of signal strength available for use by the at least one processor.

101. (Previously Presented) The one or more circuits of claim 99 wherein the computing of the weighted signal strength measurement in which the weighting gives emphasis to the lower signal strength measurements of fading radio frequency signals is part of evaluating a signal strength measurement.

Claim 102. (Cancelled)

103. (Previously Presented) The one or more circuits of claim 99 wherein evaluating operating conditions of the radio frequency network comprises evaluating an error rate.

104. (Previously Presented) The one or more circuits of claim 103 wherein evaluating an error rate comprises evaluating at least one of a bit error rate (BER), a message error rate, a rate of failure to receive a positive acknowledgement, a rate of failure to receive a response to a transmission, and a timeout of a communications protocol timer.

105. (Previously Presented) The one or more circuits of claim 99 wherein evaluating operating conditions of the radio frequency network is performed during reception of one or more messages.

106. (Previously Presented) The one or more circuits of claim 105 wherein at least a portion of the one or more messages is received on a substantially regular period.

107. (Previously Presented) The one or more circuits of claim 105 wherein at least a portion of the one or more messages comprise a test signal.

108. (Previously Presented) The one or more circuits of claim 105 wherein at least a portion of the one or more messages comprise a polling message.

109. (Previously Presented) The one or more circuits of claim 105 wherein at least a portion of the one or more messages is received at the second data rate.

110. (Previously Presented) The one or more circuits of claim 105 wherein each of the one or more messages has an associated type, and wherein messages of a predetermined type are always received at the first data rate.

111. (Previously Presented) The one or more circuits of claim 99 wherein the receiver and the transmitter operate on the same radio frequency.



112. (Currently Amended) A wireless data communication system that supports spread spectrum communications, comprising:

a mobile transceiver that, during operation, communicates with a base station transceiver via a wireless network, the mobile transceiver employing one of a first data rate and a second data rate for transmission, based upon an evaluation of radio frequency operating conditions of the wireless network, the first data rate being higher than the second data rate; and

the mobile transceiver receiving one or more messages usable in performing the evaluation of radio frequency operating conditions of the wireless network,

wherein evaluation of radio frequency operating conditions of the wireless network comprises evaluating a signal strength measurement, and

wherein evaluating a signal strength measurement comprises computing a weighted signal strength measurement, the weighting giving emphasis to lower signal strength measurements of fading signals.

Claims 113-114. (Cancelled)

115. (Previously Presented) The system of claim 112 wherein evaluation of radio frequency operating conditions of the wireless network comprises evaluating an error rate.

116. (Previously Presented) The system of claim 115 wherein evaluating an error rate comprises evaluating at least one of a bit error rate (BER), a message error rate, a rate of failure to receive a positive acknowledgement, a rate of failure to receive a response to a transmission, and a timeout of a communications protocol timer.

117. (Previously Presented) The system of claim 112 wherein the one or more messages comprise a polling message.

118. (Previously Presented) The system of claim 112 wherein the one or more messages comprise a test signal.

119. (Previously Presented) The system of claim 112 wherein at least a portion of the one or more messages is transmitted at the first data rate.

120. (Previously Presented) The system of claim 112 wherein at least a portion of the one or more messages is transmitted on a periodic basis.

121. (Previously Presented) The system of claim 112 wherein each of the one or more messages has an associated type, and wherein messages of a predetermined type are always received by the mobile transceiver at the second data rate.

122. (Previously Presented) The system of claim 112 wherein the mobile transceiver selects one of the first data rate and the second data rate for transmission, based upon an evaluation of operation of the wireless network.

123. (Previously Presented) The system of claim 122 wherein evaluation of operation of the wireless network comprises evaluating an error rate.

124. (Previously Presented) The system of claim 123 wherein evaluating an error rate comprises evaluating at least one of a bit error rate (BER), a message error rate, a rate of failure to receive a positive acknowledgement, a rate of failure to receive a response to a transmission, and a timeout of a communications protocol timer.

125. (Currently Amended) A wireless data communication system that supports spread spectrum communications, comprising:

a mobile device that, during operation, communicates with a base station via a wireless network, the mobile device employing one of a first data rate and a second data rate for transmission, based upon an evaluation of radio frequency operating conditions of the wireless network, the first data rate being higher than the second data rate; and

the mobile device receiving one or more messages usable in performing the evaluation of radio frequency operating conditions of the wireless network,

wherein the evaluation of radio frequency operating conditions of the wireless network comprises computing a weighted signal strength measurement, the weighting giving emphasis to lower signal strength measurements of fading signals.

126. (Previously Presented) The system of claim 125 wherein the computing of the weighted signal strength measurement in which the weighting gives emphasis to the lower signal strength measurements of fading signals is part of evaluating a signal strength measurement.

Claim 127. (Cancelled)

128. (Previously Presented) The system of claim 125 wherein evaluation of radio frequency operating conditions of the wireless network comprises evaluating an error rate.

129. (Previously Presented) The system of claim 128 wherein evaluating an error rate comprises evaluating at least one of a bit error rate (BER), a message error rate, a rate of failure to receive a positive acknowledgement, a rate of failure to receive a response to a transmission, and a timeout of a communications protocol timer.

130. (Previously Presented) The system of claim 125 wherein the one or more messages comprise a polling message.

131. (Previously Presented) The system of claim 125 wherein the one or more messages comprise a test signal.

132. (Previously Presented) The system of claim 125 wherein at least a portion of the one or more messages is transmitted at the first data rate.

133. (Previously Presented) The system of claim 125 wherein at least a portion of the one or more messages is transmitted on a periodic basis.

134. (Previously Presented) The system of claim 125 wherein each of the one or more messages has an associated type, and wherein messages of a predetermined type are always received by the mobile transceiver at the second data rate.

135. (Previously Presented) The system of claim 125 wherein the mobile device selects one of the first data rate and the second data rate for transmission, based upon an evaluation of operation of the wireless network.

136. (Previously Presented) The system of claim 135 wherein evaluation of operation of the wireless network comprises evaluating an error rate.

137. (Previously Presented) The system of claim 136 wherein evaluating an error rate comprises evaluating at least one of a bit error rate (BER), a message error rate, a rate of failure to receive a positive acknowledgement, a rate of failure to receive a response to a transmission, and a timeout of a communications protocol timer.

138. (Currently Amended) One or more circuits in a mobile wireless communications device, the mobile wireless communications device supporting spread spectrum communications, comprising:

at least one processor that evaluates operating conditions of a radio frequency network, the evaluating of operating conditions of the radio frequency network comprises computing a weighted signal strength measurement, the weighting giving emphasis to lower signal strength measurements of fading radio frequency signals, the at least one processor selecting one of a first data rate and a second data rate based upon the evaluation, the first data rate being lower than the second data rate; and

the at least one processor causing transmitter circuitry to transmit information at the selected data rate, via the radio frequency network.

139. (Previously Presented) The one or more circuits of claim 138 further comprising signal strength measurement circuitry operatively coupled to receiver circuitry, the signal strength measurement circuitry producing an indication of signal strength of a received radio frequency signal, the indication of signal strength available for use by the at least one processor.

140. (Previously Presented) The one or more circuits of claim 138 wherein the computing of the weighted signal strength measurement in which the weighting gives emphasis to the lower signal strength measurements of fading radio frequency signals is part of evaluating a signal strength measurement.

141. (Cancelled)

142. (Previously Presented) The one or more circuits of claim 138 wherein evaluating operating conditions of the radio frequency network comprises evaluating an error rate.

143. (Previously Presented) The one or more circuits of claim 142 wherein evaluating an error rate comprises evaluating at least one of a bit error rate (BER), a message error rate, a rate of failure to receive a positive acknowledgement, a rate of failure to receive a response to a transmission, and a timeout of a communications protocol timer.

144. (Previously Presented) The one or more circuits of claim 138 wherein evaluating operating conditions of the radio frequency network is performed during reception of one or more messages.

145. (Previously Presented) The one or more circuits of claim 144 wherein at least a portion of the one or more messages is received on a substantially regular period.

146. (Previously Presented) The one or more circuits of claim 144 wherein at least a portion of the one or more messages comprise a test signal.

147. (Previously Presented) The one or more circuits of claim 144 wherein at least a portion of the one or more messages comprise a polling message.

148. (Previously Presented) The one or more circuits of claim 144 wherein at least a portion of the one or more messages is received at the second data rate.

149. (Previously Presented) The one or more circuits of claim 144 wherein each of the one or more messages has an associated type, and wherein messages of a predetermined type are always received at the relatively lower first data rate.

150. (Previously Presented) The one or more circuits of claim 138 wherein a receiver and a transmitter operate on the same radio frequency.

151. (Previously Presented) The system of claim 75 wherein at least a portion of the one or more messages is transmitted at the first data rate to evaluate whether operation at the first data rate is sustainable.

152. (Previously Presented) The method of claim 88 wherein at least a portion of the received at least one data message is transmitted at the second data rate to evaluate whether operation of the wireless communication network at the second data rate is sustainable.

153. (Previously Presented) The one or more circuits of claim 105 wherein at least a portion of the one or more messages is received at the second data rate to evaluate whether operation of the radio frequency network at the second data rate is sustainable.

154. (Previously Presented) The system of claim 112 wherein at least a portion of the one or more messages is transmitted at the first data rate to evaluate whether operation at the first data rate is sustainable.

155. (Previously Presented) The system of claim 125 wherein at least a portion of the one or more messages is transmitted at the first data rate to evaluate whether operation at the first data rate is sustainable.

156. (Previously Presented) The one or more circuits of claim 144 wherein at least a portion of the one or more messages is received at the second data rate to evaluate whether operation of the radio frequency network at the second data rate is sustainable.